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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR-11-00214-EJD
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE HEARING TO
13 vs.)	JANUARY 14, 2013, at 1:30 p.m.
)	
14 IRINEO ALVAREZ-CHAVEZ,)	
)	
15 Defendant.)	
)	

17 **STIPULATION**

18 The parties, Irineo Alvarez-Chavez and the government, acting through their respective
19 counsel and subject to the Court's approval, stipulate that the hearing date currently set for
20 December 17, 2012, be vacated and that the Court set a new hearing date of January 14, 2013, at
21 1:30 p.m..

22 As noted in the prior appearance before this Honorable Court, the parties have engaged in
23 a settlement conference with Judge Whyte. During the settlement conference the defense
24 brought up a legal issue involving the application of the Sentencing Guidelines. The government
25 has investigated the matter and has taken a position on the issue. The Government is also seeking
26 approval to make an offer which is different from the offer previously extended to the defendant.

1 As implied above, the request for the continuance of the December 17, 2012, hearing is based on
2 the defendant's ongoing investigation into a legal issue raised during the settlement conference,
3 the government's position on the matter, the need of defense counsel to confer with his client
4 regarding a potential plea offer which the government is considering, and the time to review such
5 an offer with his client. Defense counsel also expects to be on vacation the last two weeks of the
6 year.

7 The parties further agree and stipulate that for purposes of Speedy Trial Act
8 computations pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and
9 (B)(iv) time should be excluded from December 17, 2012, through and including January 14,
10 2013, to provide continuity of counsel and to provide defense counsel further time to prepare.
11 Accordingly, Mr. Alvarez-Chavez and the government agree that granting the requested
12 exclusion of time will serve the interest of justice and outweigh the interest of the public and the
13 defendant in a speedy trial.

14 Dated: December 12, 2012

15 /s/
16 Manuel U. Araujo,
Assistant Federal Public Defender

17 Dated: December 12, 2012

18 /s/
19 Ann Marie Ursini,
Special Assistant United States Attorney

1 **~~PROPOSED~~ ORDER**

2 GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY
3 ORDERED that the status conference hearing in the above-captioned matter is continued from
4 December 17, 2012, at 1:30 p.m., to January 14, 2013, at 1:30 p.m.

5 THE COURT FINDS that failing to exclude the time between December 17, 2012 and
6 January 14, 2013, would unreasonably deny the defendant's counsel the reasonable time
7 necessary for effective preparation, taking into account the exercise of due diligence. See 18
8 U.S.C. § 3161(h)(7)(B)(iv).

9 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
10 between December 17, 2012 and January 14, 2013, from computation under the Speedy Trial
11 Act outweigh the interests of the public and the defendant in a speedy trial.

12 THEREFORE, IT IS HEREBY ORDERED that the period of delay from December 17,
13 2012, through and including and January 14, 2013, be excluded for purposes of Speedy Trial
14 Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and
15 3161(h)(7)(B)(iv).

16 IT IS SO ORDERED.

17
18 Dated: December 13, 2012

19 
HONORABLE EDWARD J. DAVILA
United States District Judge